

08CN6028-2
(GP2-0187)

REMARKS

Support for Claim Amendments

Claims 1, 29, and 31 have been amended to delete "a polyolefin" and to substitute in its place "a propylene polymer; wherein the propylene polymer is a homopolymer of polypropylene, or a random, graft, or block copolymer of propylene and at least one olefin selected from ethylene and C₄-C₁₀ alpha-olefins, with the proviso that the copolymer comprises at least about 80 weight percent of repeating units derived from propylene." Support for this amendment may be found in Claim 9 as filed.

Claim 8 has been amended to recite that "the propylene polymer is homopolypropylene." Support for this amendment may be found in Claim 10 as filed.

Claim 9 has been amended for consistency with Claim 1. The amendments are supported by Claim 9 as filed.

Claim 10 has been amended to recite that the "propylene polymer is an isotactic homopolypropylene." Support for this amendment may be found in paragraph [0026] as filed.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-11, 13-16, and 19-36 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent No. 6,509,412 to Hall (hereinafter "Hall"). Applicants respectfully traverse this rejection.

Applicants' Claims 1-11, 13-16, and 19-36 are patentable over Hall because Hall does not teach all the elements of these claims.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

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Hall generally describes a soft gel composition that includes a hydrogenated block copolymer, a polyphenylene ether, substantially amorphous polyolefin or hydrogenated polydiene, and a compatibilizer blended in respective proportions sufficient to provide the composition with a Shore A hardness of no more than about 30 and a service temperature of up to about 150° C. Hall abstract. Hall's sole working example includes 5.54 weight percent of "isotactic polypropylene filler." Hall, col. 8, lines 25-55.

Applicants' rejected independent Claims 1, 29, and 31 have been amended to recite a specific polyolefin. Thus, the component previously described as "a polyolefin" has been limited to a "propylene polymer . . . [that] . . . is a homopolymer of polypropylene, or a random, graft, or block copolymer of propylene and at least one olefin selected from ethylene and C₄-C₁₀ alpha-olefins, with the proviso that the copolymer comprises at least about 80 weight percent of repeating units derived from propylene." Please note that Claim 30 as filed recites a "homopolypropylene," which further limits the "propylene polymer" in Claims 1, 29, and 31. Claims 1, 29, and 31 recite a propylene polymer amount of about 10 to about 35 weight percent. Claim 30 as filed recites a homopolypropylene amount of about 12 to about 30 weight percent.

None of Hall's generally described components meets the compositional limitations of Applicants' propylene polymer. The only specific material in Hall that meets the compositional limitations of Applicants' propylene polymer is the "isotactic polypropylene filler" used in the Example, where it is present at 5.54 weight percent, based on the total weight of the composition. Therefore, Hall does not teach or suggest the use of a propylene polymer at about 10 to about 35 weight percent, as recited in Claims 1, 29, and 31, nor does Hall teach or suggest the use of a homopolypropylene at about 12 to about 30 weight percent, as recited in Claim 30. Accordingly, the Office has not established a prima facie case for the obviousness of rejected independent Claims 1 and 29-31 based on Hall. Given that Claims 2-11, 13-16, 19-28, and 32-36 each depend ultimately from and further limit one of independent Claims 1 or 29-31, Claims 1-11, 13-16, and 19-36 are patentable over Hall.

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It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 07-0862 maintained by Assignee.

Respectfully submitted,

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